

## **TENNESSEE MASSAGE LICENSURE BOARD**

### **MINUTES**

Date: May 10, 2004

Time: 9:00 a.m. C.D.T.

Location: Cumberland Room  
First Floor, Cordell Hull Building  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37247-1010

Members Present: Steve Harper, LMT, Chair  
Juliana Glasfow-Trotman, LMT  
Kirsten VandeBerg, LMT  
Rebecca Eichel, LMT  
Effie Woods

Members Absent: Beverly Chumbley

Staff Present: Karen Robinson, Board Administrator  
Marva Swann, Board Director  
Robbie Bell, HRB Director  
Dianne Birkner, Unit Manager  
Richard Russell, Advisory Attorney  
Laurie Doty, Litigating Attorney  
Jerry Kosten, Regulations Manager  
Lea Phelps, Investigations

A quorum being present, the meeting was called to order at 9:05 a.m.

#### **Contested Case – Unlicensed Massage Establishment – Kevin Reed**

Mr. Reed appeared before the Board to give explanation of working in an unlicensed massage establishment from approximately twenty two months. After the Board members asked Mr. Reed numerous questions regarding the unlicensed massage establishment, rules and regulations, statutes, a motion was made by Ms. VandeBerg and seconded by Ms. Trotman for the allegations of facts 9, 10, 11, 13, and 14, to be adopted as finding of facts, conclusion of law is willful negligence, causes of action, and assess a civil penalty of \$500.00. The motion carried.

Mr. Harper stated that this action was taken to uphold the law, safety and welfare of the public.

### **Agreed Orders**

Ms. Doty presented an agreed order for Sports Village, Establishment. Ms. Doty explained to the Board that Sports Village was practicing massage therapy without an establishment license. A civil penalty was assessed in the amount of \$ 3000.00 plus cost.

Ms. Doty presented an agreed order for Jacqueline Bernice James, LMT. Ms. Doty explained to the Board that Ms. James was working in an unlicensed establishment. A civil penalty was assessed in the amount of \$ 300.00 plus cost.

Ms. Doty presented an agreed order for Ms. Jennifer Sue James, LMT. Ms. Doty explained to the Board that Ms. James was working in an unlicensed establishment. A civil penalty was assessed in the amount of \$ 800.00 plus cost.

Ms. Doty presented an agreed order for Mr. David Leslie Mills, LMT. Ms. Doty explained to the Board that Mr. Mills was working in an unlicensed establishment. A civil penalty was assessed in the amount of \$ 100.00 plus cost.

Ms. Doty presented an agreed order for Ms. Diane Myers, LMT. Ms. Doty explained to the Board that Ms. Myers was working in an unlicensed establishment. A civil penalty was assessed in the amount of \$300.00 plus cost.

Ms. Doty presented an agreed order for Mr. Joseph Lynn Robertson, LMT. Ms. Doty explained to the Board that Mr. Robertson was working in an unlicensed establishment. A civil penalty was assessed in the amount of \$ 900.00 plus cost.

A motion was made by Ms. Woods and seconded by Ms. VandeBerg to except to above agreed orders and civil penalties plus the cost. The motion carried.

### **Contested Cases**

The following cases have been deferred until the August 19 & 20, 2004 Board meeting.

Blue River Canyon Day Store & Spa, Establishment  
Denise Ann Knight, LMT  
Bradley Slavik, LMT  
Nicole Leigh Williams, LMT

### **Roll Call Vote for a Rulemaking Hearing**

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to require licensee to take 10 classroom hours of Ethics, 5 classroom hours of Rules and Regulations and 85 classroom hours of Allied Modalities. The motion carried with a unanimous vote.

### **Rulemaking Hearing**

A motion was made by Ms. VandeBerg and seconded by Ms. Woods to amend the establishment rules and to send to a rulemaking hearing on August 12, 2004 for the following changes.

- A. Fee increase for re-inspections and no shows
- B. Allowing notarized photocopies of birth certificates and corporate charters
- C. Deleting language for establishments to submit verification of licensure in other states that many of the owners are corporations and not licensed in Tennessee as Massage Therapist

The motion carried.

### **Minutes**

A motion was made by Ms. Woods and seconded by Ms. VandeBerg to approve the minutes of the February 12 & 13, 04 Board meeting as submitted. The motion carried.

### **Reiki**

The Board discussed and determined that Reiki is not Massage Therapy, but is energy work and it does involve touching the skin.

### **File Reviews**

Mathew Volkert – Mr. Volkert appear before the Board to give explanation for the criminal charge of writing a worthless check. After numerous question from the Board a motion was made by Ms. Eichel and seconded by Ms. Woods to approve Mr. Volkert's application. The motion carried.

The Board meeting adjourned for lunch at 12:20 p.m.

A quorum being present the Board meeting was called to order at 1:35 p.m.

Daiquirie C. Kiyota – Ms. Kiyota was not present at the Board meeting. Ms. Kiyota's application was reviewed by the Board and a motion was made by Ms. VandeBerg and seconded by Ms. Torotman to approve Ms. Kiyota for licensure pending receipt of the National certification within the sixty (60) day receipt of certified mail. The motion carried.

Linda McGee – Ms. McGee is requesting the Board to waive the National examination. After much discussion a motion was made by Ms. Woods and seconded by Ms. Eichel to deny the request for a waiver of the National examination. Mr. Russell, Advisory Attorney, explained that the Board had no authority to waive the National examination. The Board requested that Mr. Russell send a letter of explanation to Ms. McGee. The motion carried.

## **Administrative Report**

Ms. Robinson presented the statistical report which indicated the following:

### **Statistical Report**

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
Active Licensees - 3227	Active Licensees - 744
Retired Licensees— 291	Retired Licensees – 83
Failed to Renew - 858	Failed to Renew - 157

### **Performance Measures**

<b>Performance Measure</b>	<b>Goal</b>	<b>Jan. – June 2003</b>	<b>July – Dec. 2003</b>	<b>Average</b>
Renewal Processing Time	14 days	0.1 days	0 days	0.1
Application Processing Time	100 days	5.2 days	23.9 days	14.6

The application processing time is directly relative to the length of time it takes to received a verification from the (NCBTMB).

The renewal times have dropped due to the continued usage of the internet renewal site. The application processing time can be attributed to staff reviewing incomplete files and re-contacting the applicants and the revision of the applications to make them more user friendly.

Ms. Robinson reported in April, twenty five licensees renewed their licenses via the website for a usage rate of 27% versus an overall usage rate of 18% for all professions. The administrative staff is asking that all board members get the word out about renewing online and would ask the board members use this tool to renew their licenses.

Massage Establishments can now renew online and be verified on the Internet site.

Ms. Robinson reported there has been some lessening of the restrictions on travel and purchasing. Travel, purchasing and hiring are being approved on a case-by-case request, if there is a conference that a Board member would like to attend, please let the Administrative Office know so we can request appropriate authorization. We cannot guarantee any request will be approved, but we will submit the paper work. May 1, 2004 the new mileage rate is .35.

### **Continuing Education Audit**

Ms. Robinson reported the continuing education audit for the 2002 calendar year is continuing. Previously, the Board had voted on a penalty of one hundred fifty dollars (\$150) and the completion of six hours of additional continuing education. A total of 118 were audited for their 2002 continuing education credit hours. A total of 19 – 16.3% were sent to Investigations for either not responded or not complying with the audit. A total of 9 – 7.6% have paid the penalty and met the continuing education requirements. A total of 3 – 2.5% was granted a waiver. A total of 1 – 8% has been present at this Board meeting. A total of 1 – 8% paid a penalty, waiting for the continuing education to be submitted to the Administrative Office.

### **Internet**

Ms. Robinson reported the application has been updated on the internet, and the updated rules regulations and statues are on the internet. The request was made to the Board to visit the website and let the Administrative Office know if any changes need to be made, or add anything under the noteworthy section.

### **Peer Assistance**

Ms. Diann Smithson, Director, Lighthouse Professional Services, was not present at the meeting. The Board deferred Ms. Smithson's report until the next Board meeting of 8-19&20-2004.

### **Establishment Inspection Reports**

Mr. Scott Baily, State Inspector for massage establishments, reported that some owners do not show up for the appointments that are made for him to inspect their establishment and don't call him to report that they will not be available for the appointments. Mr. Baily stated that this has become very costly for him and time wasted.

Ms. Birkner, Unit Manager, presented the Inspection report which indicated the following:

#### **MESSAGE INSPECTION REPORT**

May 10, 2004

	MIDDLE		EAST		WEST	
	INITIAL/RENEWAL		INITIAL/RENEWAL		INITIAL/RENEWAL	
February 2004	1	13	3	20	0	11
March 2004	1	19	1	22	0	0
April 2004	11	26	12	21	0	0
<b>TOTALS</b>	<b>13</b>	<b>58</b>	<b>15</b>	<b>64</b>	<b>0</b>	<b>11</b>
<b>GRAND TOTAL</b>	<b>161</b>					

Two establishments in Middle Tennessee were cited for not having a smoke detector and two were cited for not having a current copy of a massage therapist license. One establishment in East Tennessee was cited for not having a smoke detector. Each of the establishments were sent deficiency letters.

Submitted by Dianne Birkner  
Unit Manager

### **Office of General Counsel (OGC)**

Mr. Russell reported Rule 0870-1-.04, .05, .07, Licensure Process and housekeeping changes are presently at The Attorney General's Office for approval. Rule 0870-1-.13, Order Modification, Compliance and Appearance are to be presented at this Board meeting for final approval. Rule 0870-1-.02, .04, .11, .19, Specific procedures, mandatory exam, housekeeping are to be presented at this Board meeting for final approval. Mr. Russell reported that one (1) case is to be presented during this meeting.

Mr. Russell then reminded the Board of their responsibilities under the conflict of interest policy.

### **Investigative/discipline Reports**

Ms. Phelps presented the Investigative Report which indicates 19 cases are currently under investigation. One licensee completed his probation on 5-5-2004.

### **Ratifications**

A motion was made by Ms. Woods and seconded by Ms. Trotman to approve the newly licensed and reinstatements for massage therapists and massage establishments. The motion carried.

LAWANDA SHAUNTE' ALLEN  
LORI AUTRY  
CANDACE RENE BEASLEY  
CHERYL S. BECKER  
JANIE LINCA BENNETT  
DEBORAH ANN BROWN  
RACHEL LYNN BROWN  
MARY ELIZABETH BULLARD  
MICHELLE T. BYERS  
JANICE ANNETTE CATHEY  
KAREN K. CLARY  
CAROLYN ADELAIDE COPELAND  
SHIRLEY ANN CRANFILL  
MELISSA DAWN CRANFORD  
KAREN LUCINDA CRAWFORD  
RHONDA ALLENE CROW  
MEGAN RENE DAVIS  
DAVID WAYNE DAY  
KATHY LYNN FANN  
LOUISA EVANGELINA FITZPATRICK  
PATSY LYNNE FREEMAN  
MICHAEL P. GIESECKE  
MARIA IMELDA G. GUARDE  
DANIEL PAUL HAGEMAN  
JOANNE ELIZABETH HARMON

CANDANCE ELIZABETH HARRISON  
TIFFANY CRYSTAL HART  
AMBER MICHELLE HAWKS  
KELLI DALE HAYS  
CHARLES THOMAS HEADY  
JASON LEE HIEFNAR  
JAMES BRAMWELL HUBBARD  
DONNA M. HUNTER  
LORETTA LYNN KILGORE  
ALISSA LEILANI KIMBRO  
CONNIE A LAWRENCE  
GARY STEVEN LEGGETT  
LARRY JAMES LITTLE, II  
ANGELIA MARIE LORANCE  
KAREN SUZANNE LYONS  
AUSTON H. MARTIN  
HEATHER NICHOLE MATHEWS  
JESSICA PITZER MCLAUGHLIN  
ELYSE RESCHENBERG MCMEEN  
KAREN DENISE MOEBES  
ALISA MICHELLE MOUNTS  
CAROL ANN MULLINS  
DIANA LYNN OVERHOLSER  
SUSANNA PATRICIA PARKINSON  
AMY GAIL PAYNE  
CHERRI NAN POLK  
TENNISHA ANTONETTE PUCKNETT  
HEATHER LYNN RICHARDS  
SYLVIA RENE RIVERS  
MICHELLE LEE ROBERTS  
JENNIFER BETH ROBINETTE  
KY LYNN SHAKLEE  
NIKKI LASHEA SHULTS  
SCHLUNDRA YVONNE STEWARD  
SANDRA SUE STEWART  
ELIZABETH ANN TAYLOR  
RACHEL LYNN TOBEY  
LAURA M. VALDEZ  
STEPHANIE JEAN VONBRUNNER  
PAMELA ANN WARDLOW  
THELMA ELIZABETH WARNER  
NANCY LEE WHEELER  
DENNIS LYNN WHITTINGTON  
PATRICA LOUISE WILLIAMS  
CHRISTY JO ANDREWS  
STEPHANIE MARIE BAKER

TERRY L. BRANAM  
TRACEE WARDEM DERRA  
MELINDA J. DUNN  
MATTHEW ERICKSON EDWARDS  
WILLIAM PATRICK ELLIS  
DEEDRA LEE FARMER  
JAMES ALAN JOHNSON  
DIANNE KILLEN  
MARVIN NICHOLSON JR.  
CLAUDIA BEATRIZ SACKETT BARTLETT  
UITA VERNICE STOVALL  
SUZANNE ORNER WALKER  
JOHN MADDEN WHITE  
AMANDA HOPE WILBURN  
FELICIA KAY WOODEN  
A NATURAL APPROACH MASSAGE THERAPY  
ADORN, THE SALON  
ALLISON WHITE, LMT  
AMY N. LAWRENCE MASSAGE THERAPIST  
APRIL'S THERAPEUTIC MASSAGE  
BETTER THAN PERFECT  
BISHOP'S SALON  
CAPELLI BEI SALONE AND DAY SPA  
CAROL G'S HAIR AND COLOR SALON  
CAROLYN MCADAMS-MASSAGE  
COMPLETE HARMONY BODY CONCEPTS THERAPY  
DAUDA WAY  
ELYSIUM DAY SPA AND SALON  
HAIR WORKS  
HANDS ON MASSAGE CLINIC  
HEALING TOUCH, CENTER FOR PAIN AND  
HI GORGEOUS, INC.  
HUMAN TOUCH MYOFASCIAL RELEASE AND  
IN TOUCH BODY WORKS  
INDULGENCE  
INDULGENCE HAIR SALON AND DAY SPA  
JANICE THOMPSON  
KAREN SKY MILLER, LMT/BLEUEFLOWER BODY  
LIFE BALANCE  
LINDY'S BODY THERAPY  
MERLE NORMAN  
MERLE NORMAN OF SMYRNA  
MONROE'S THERAPEUTIC MASSAGE  
NASHVILLE SPORTS MASSAGE  
NATURAL THERAPEUTICS  
NEW HORIZON THERAPEUTIC MASSAGE AND

NEW IMAGE  
OPTIONS FULL SERVICE SALON  
OPTIONS SALON  
PUSH PILATES  
REBECCA K. EICHEL, LMT  
RELAXING TOUCH  
SE'LAH SALON AND SPA  
SPRING HILL MASSAGE THERAPY  
STRESS BUSTERS 5000  
TENNESSEE SPINE AND NERVE INSTITUTE  
THE MAINE EVENT  
THE MASSAGE MILL  
THERAPEUTIC BODYWORK  
THERAPEUTIC HANDS  
THERAPEUTIC SOLUTIONS  
TIFFANY HART WEEMS  
TOUCHED INTO BEING THERAPEUTIC MASSAGE  
CUTTERS EDGE  
HOLISTIC OPTIONS MASSAGE NASHVILLE  
ROBIN S. POPLIN  
THE BODY CONNECTION

#### **Continuing Education Course Approval**

A motion was made by Ms. Eichel and seconded by Ms. Trotman to approve the following continuing education course:

Vicki Goodwin-Hot Stone Massage revised materials  
Mary Glesige-12 hour massage and 16 hours hot stone massage

A motion was made by Ms. Woods and seconded by Ms. VandeBerg to deferred the following continuing education course until the next Board meeting. The motion carried.

Mary Glesige-16 hours-Visulization and Stress Relief-

A motion was made by Ms. Woods and seconded by Ms. VandeBerg to deferred the following continuing education courses until the next Board meeting until Ms. Sloan and Ms. Salyers submits more information and handout on the courses. The motion carried.

Jill B. Sloan-13 hours each course-Deep Tissue Massage, Reflexology and Sports Massage  
Phyllis Salyers – Professional Ethics course

The Board requested a list of approved continuing education courses from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) and present it at the next Board meeting.

### **Continuing Education Waiver Requests**

Perry Smith – The Board reviewed the explanation for not obtaining the 2002 continuing education requirements. A motion was made by Ms. Woods and seconded by Ms. VanderBerg to deny due to not giving enough information for the explanation of not obtaining the 2002 continuing education hours and the Board assessed \$150.00 penalty and six (6) continuing education hours. The motion carried.

The Board discussed and set a task force for the massage school curriculum.

### **Adjournment**

There being no further business, the meeting was adjourned at 4:30 p.m.

KR/G5014195/MTBmin